



# MARK GOTTLIEB

Speaker Pro Tempore  
Wisconsin State Assembly

**Testimony of Representative Mark Gottlieb  
Assembly Bill 61  
Assembly Committee on Elections and Constitutional Law  
January 10, 2008**

Chairperson Albers and Committee Members:

Thank you for holding a hearing on Assembly Bill 61, relating to fundraising during the state budget.

In December 2007, the Wisconsin Policy Research Institute conducted its 28<sup>th</sup> annual statewide voter survey. Of the respondents to that survey:

- 44 percent said that the ethics of Wisconsin legislators have declined
- 50 percent said that the ethics of Wisconsin state government have declined
- 82 percent said that lobbyists have the most control over what state government spends, and
- 85 percent said that elected officials primarily represent either their own or special interests

This data is easy to summarize: The view of Wisconsin residents toward our political institutions, including the legislature, is reaching all-time lows.

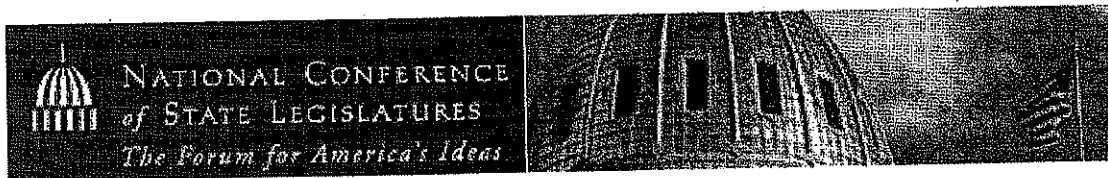
Assembly Bill 61 is a common sense proposal aimed at restoring the public's confidence that the state budget, and the votes of their elected representatives, are not for sale. Right now, there are at least sixteen states that either prohibit or severely restrict the raising of funds during their legislative sessions. Another twelve, including Wisconsin, have prohibitions or restrictions on lobbyist contributions during this time (see attachment). This bill bans all campaign fundraising by all elected state officials from January of each odd-numbered year until the budget has been passed. Based on comments I've received on the bill, I've introduced two amendments. Assembly Amendment 1 extends the fundraising prohibition for the governor and lieutenant governor to include the period when the executive budget is being prepared. Assembly Amendment 2 applies the same prohibition to the four legislative campaign committees.

This bill, if enacted, will provide the additional benefit of giving legislators, and the governor, a six month minimum "time out" from fundraising at the beginning of each legislative session. As you well know, the early months of each session are the time when many important non-budgetary proposals are being developed, introduced, and debated. Eliminating all fundraising during that period will allow each of us to concentrate fully on our legislative duties.

We all share a desire to serve in an institution that has the respect and confidence of the people we represent. Assembly Bill 61 is not comprehensive campaign finance reform. It does not impose public financing or restrict the free speech rights of individuals or organizations. But it is a meaningful step forward.

Thank you and I'm happy to answer any questions.

**STATE REPRESENTATIVE • 60<sup>TH</sup> DISTRICT**



## Limits on Contributions during the Legislative Session

Updated April 25, 2006

### Summary

28 states place restrictions on giving and receiving campaign contributions during the legislative session. In some states, the ban applies only to contributions by lobbyists, principals and/or political committees; other states have a general ban on contributions. South Carolina bans lobbyist contributions at any time; not just during a legislative session.

Prohibition/restriction on <i>any</i> contributions during session	Prohibition/restriction only on <i>lobbyist</i> contributions during session
Alabama Alaska Florida Georgia Illinois (c) Indiana Maryland Nevada New Mexico Oklahoma(c) Oregon(d) Tennessee Texas Utah Virginia Washington	Arizona Colorado Connecticut Iowa(a) Kansas(a) Louisiana(c) Maine Minnesota(a) North Carolina South Carolina Vermont Wisconsin

- (a) Political action committee contributions also restricted during session.  
 (b) Corporate contributions also restricted during session.  
 (c) Limited ban on fundraisers during session; see below for details.  
 (d) The ongoing enforcement of Oregon's law is in doubt; see below for details

### State-by-State Provisions

Alabama Ala. Code §17-22A-7(b)(2)	Candidates for state offices may not solicit or accept contributions during the period when the Legislature is convened in session. Exception for a period of 120 days before any primary, runoff or general election, and for candidates participating in a special election.
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Alaska AS §24.60.031	A legislator or legislative employee may not on a day when either house of the legislature is in regular or special session, solicit or accept a contribution or a promise or pledge to make a contribution for a campaign for the state legislature. Exception for the 90 days immediately preceding an election for contributions made outside of the capital city.
Arizona Ariz. Rev. Stat. §41-1234.01	Lobbyists are prohibited from soliciting, promising to solicit, making or promising to make campaign contributions to members of the Legislature or the Governor during the regular legislative session, and when legislation from the regular session awaits gubernatorial action.
Colorado C.R.S. §1-45-105.5	Lobbyists and the principals of lobbyists are prohibited from making a contribution to a member of or candidate for the general assembly or to any statewide officer or a candidate for statewide office when the general assembly is in regular session or when a measure approved by the general assembly is pending before the governor.
Connecticut Conn. Gen. Stat. §9-333/ (e)	Lobbyists and political committees established by or on behalf of lobbyists are prohibited from making or soliciting contributions on behalf of a candidate for nomination/election to the general assembly or state office, or to a political committee related to such a candidate, during regular and special sessions of the general assembly.
Florida House Rule 26	Fundraising during session is prohibited by House rule.
Georgia Ga. Code §21-5-35	No member of the General Assembly, public officer elected statewide, or campaign committee of either shall accept a contribution during a legislative session.
Illinois 10 ILCS 5/9-27.5	Prohibits holding fundraisers within 50 miles of Springfield on session days during the last 90 days before the scheduled spring session adjournment. Exempts legislators and candidates from districts within that area.
Indiana IC §3-9-2-12	A member of or candidate for the General Assembly may not solicit or accept campaign contributions or conduct other fundraising activities during the period between the General Assembly convenes in January of each odd-numbered year and ending when that session adjourns sine die.
Iowa IA Code §56.15A	Political action committees and lobbyists are prohibited from making campaign contributions to the campaign of an elected state official, member of the Legislature or candidate for state office during a regular session of the Legislature and, in the case of the Governor or a gubernatorial candidate, for a period of 30 days following the adjournment of a regular legislative session.
Kansas K.S.A. §25-4153a	No registered lobbyist or political committee shall make a contribution to any legislator, legislative candidate or candidate committee, or state

	officer elected on a statewide basis or candidate or candidate committee for such officer or candidate, between Jan. 1 of each year and prior to adjournment sine die of the regular session of the Legislature, or at any other time in which the Legislature is in session.
Louisiana La. R.S. §24:56	Lobbyists' principals may not make contributions resulting from a fundraising function while the Legislature is in session.
Maine 1 Me. Rev. Stat. Ann §1015(3)	The Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer may not intentionally solicit or accept a contribution from a lobbyist, lobbyist associate or employer during any period of time in which the Legislature is convened before final adjournment.
Maryland MD Election Code Ann. §13-235	During a regular session of the General Assembly, the Governor, Lt. Governor, Attorney General, Comptroller, a member of the General Assembly, or a person acting on behalf of any of these officeholders, may not solicit, accept or deposition a contribution.
Minnesota Minn. Stat. §10A.06	Senate and house "caucus" fundraisers are prohibited during session. A constitutional office candidate, legislative candidate or a principal campaign committee may not solicit or accept, during a regular legislative session, a contribution from a registered lobbyist, a political committee, a political fund, a terminating principal campaign committee, or a committee of a legislative party caucus.
Nevada Nev. Rev. Stat. §§ 94A.300, 294.310	It is unlawful for a member of the legislature, the lieutenant governor or the governor to solicit or accept any monetary contributions for any political purpose during the period beginning 30 days before a regular session of the legislature and ending 30 days after the final adjournment of a regular session
New Mexico NMSA §1-19-31.1	Legislators, candidates for state legislator, and the governor are prohibited from soliciting contributions beginning January 1 prior to a regular session of the legislature, or after the proclamation for a special session has been issued, and ending on adjournment of the regular or special session.
North Carolina N.C. Gen. Stat. §163-278.13B	While the General Assembly is in regular session, no registered lobbyist, lobbyist's agent, lobbyist's principal, or a political committee that employs or contracts with or whose parent entity employs or contracts with a lobbyist may make a contribution to a member of or candidate for the Council of State or a member of or candidate for the General Assembly. Exception for the three weeks prior to a second primary if the contributee is a candidate who will be on the ballot. Violation is a Class 2 misdemeanor.
Oklahoma Ethics Commission Rules §257:10-1-6	Fundraising events for members of the legislature may not be held in Oklahoma County during the regular legislative session. Does not apply to members whose districts include any portion of Oklahoma County.

Oregon Or. Rev. Stat. §260.174	During the period beginning January 1 <sup>st</sup> immediately before a regular biennial session of the Legislative Assembly, or at the start of any special session, and continuing until adjournment, no person shall make, attempt to make or promise to make a campaign contribution to any legislative official, statewide official or candidate for these offices. The Oregon Attorney General issued an opinion in 2001 concerning this statute. The Attorney General ruled that the statute was a violation of Oregon's constitutional right to freedom of expression, and gave the opinion that the statute would not be enforced (Or. Atty. Gen. Op. 8874(2001)). However, the statute is still Oregon law at this time.
South Carolina S.C. Code §2-17-80	A lobbyist shall not offer, solicit, facilitate, or provide contributions on behalf of any member of the General Assembly, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state agency. (Not limited to just during session)
Tennessee Tenn. Code Ann. §2-10-310	A member of the General Assembly may not solicit or accept contributions from the convening of the General Assembly's regular annual session to the earlier of May 15 or the conclusion of the annual session. Tenn. Code Ann. § 3-6-108(i). A lobbyist or an employer of a lobbyist cannot make a contribution to a candidate for Governor or General Assembly during the regular annual session of the General Assembly.
Texas V.T.C.A., Election Code §253.034; Texas Ethics Commission Rule §22.11	During a period beginning on the 30 <sup>th</sup> day before the date a regular session convenes and continuing through sine die adjournment, neither a person nor a PAC may make a political contribution to a statewide officeholder or a member of the legislature, and such persons shall not accept a political contribution during this period.
Utah Utah Code §36-11-305	It is unlawful for any person, lobbyist, principal, or political committee to make contributions to members of the legislature or the governor or to a campaign committee of such a person during a legislative session.
Vermont 2 V.S.A. §266(3)	Lobbyists' employers are prohibited from making or promising to make a political contribution to any member of the assembly or member's campaign committee when the Vermont General Assembly is in session.
Virginia Va. Code §24.2-940	No member of the General Assembly or statewide official shall solicit or accept a contribution from any person or political committee on and after the first day of a regular session of the General Assembly through adjournment sine die of that session.
Washington RCW §42.17.710	Contributions may not be solicited or accepted by statewide elected officials or state legislators during the period from 30 days before until 30 days after the regular session of the Legislature. Contributions are prohibited during any special legislative session.
Wisconsin Wis. Stats. §13.625	A licensed lobbyist may only make campaign contributions to elective state officials and candidates for elective state office during the year of

the candidate's election, between June 1 and the date of the general election, and only when the Legislature is not in session.

Senate Policy. Bans fundraising in Dane County on days that the legislature is in session. Assembly has similar (but unwritten) ban.

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For more information on campaign finance reform, contact Jennie Drage Bowser [elections-info@ncsl.org](mailto:elections-info@ncsl.org).

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## Testimony of the Wisconsin Democracy Campaign on Assembly Bill 61

### Assembly Committee on Elections and Constitutional Law January 10, 2008

Thank you for holding this public hearing. The Wisconsin Democracy Campaign strongly supports banning campaign fundraising during the state budget process, and with the addition of one amendment we support Assembly Bill 61.

According to the latest polling by the Wisconsin Policy Research Institute, 82% of Wisconsin residents say lobbying groups determine what's in the state budget and what state government spends. Only 12% believe the voters do. This survey research finding screams out for reform.

AB 61 is not a significant campaign finance reform. But it is a meaningful budget reform. It should be passed and signed into law. But not before it is made into a true ban on fundraising during the budget process. **Making it a true ban requires the addition of one amendment that applies the prohibition on fundraising to the four partisan legislative campaign committees.**

The four legislative campaign committees – the State Senate Democratic Committee, Committee to Elect a Republican Senate, Republican Assembly Campaign Committee and Assembly Democratic Campaign Committee – account for one-third of the campaign fundraising done by legislators during the budget process. Under AB 61 as it stands today, the fundraising ban during the budget process does not apply to these four committees.

We reiterate that AB 61 is a valuable reform of the state budget process, but it does not meaningfully reform campaign financing. We urge the committee to address campaign financing at the earliest possible time. In particular, we urge the committee to reschedule the cancelled public hearing on Assembly Bill 250 – originally planned for the week of Christmas – as soon as possible.

Thank you.